

Applicant: D. Elon  
Application No. 10/725,964  
Examiner: L. Thomas

### REMARKS

Claims 1-44 are pending in the application and are presented for the Examiner's review and consideration. Claims 24, 41, and 44 have been amended and claims 2-22 and 36-40 have been withdrawn. Applicant believes that the claim amendments and the accompanying remarks serve to clarify the present invention and are independent of patentability. Accordingly, Applicant respectfully submits that they do not limit the range of any permissible equivalents.

### Election/Restriction

The Examiner withdrew claims 36-40, stating that the claims read upon Species I, not the elected species. Applicant respectfully traverses the withdrawal of these claims for the following reasons.

Claims 36-40 depend from claim 26, which recites features such as an electric motor and a shaft. These features can be found in the specification on page 19, line 9, describing Species VII, pertaining to figure 8, and do not relate to Species I.

In light of the foregoing, Applicant respectfully requests reconsideration of the withdrawal of claims 36-40 and rejoinder of these claims.

### 35 U.S.C. § 102(b)-Ware

Claims 1 and 43 were rejected under 35 U.S.C 102(b) as being anticipated by U.S. Patent 2,280,327 to Ware ("Ware"). Applicant respectfully submits that this rejection should be withdrawn for the following reasons.

Claim 1 recites, *inter alia*, an electrostatic discharge system for a road vehicle. The system includes at least one electrically conducting conductor element in electrical contact with an electrically conducting part of the vehicle body. An actuation means is mountable to the vehicle, where the actuation means is adapted for selectively and reversibly moving the conductor element between a deployed position and a retracted position. In the deployed position

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the conductor element is in contact with the ground such as to provide an electrical pathway for electric charge from said electrically conducting part of the vehicle body to the ground, and in the retracted position the conductor element is distanced from the ground such as to interrupt the electrical pathway. A control means is operatively connected to the actuation means and to a user interface, adapted for controlling operation of the actuation means responsive to an interaction with said user interface.

The present invention is characterized in that, rather than being configured to permanently touch the ground, the conductor may be retracted when not required, and deployed to a ground-contacting position when desired. (Page 2, lines 15-16 and 18-19, page 10, lines 8-12 and 24-30, and page 11, lines 1-3 and 17-31). Since the most hazardous time for electrostatic discharge between the occupants and the vehicle body is when the occupants leave the vehicle, the system of the present invention is adapted to deploy according to a specific predetermined condition, namely, that of the vehicle coming to a complete and permanent rest. This condition is typically associated with the deployment of the handbrake, and in some cases the foot brake. Advantageously, the system is, therefore, retracted when the vehicle is moving, thus preventing wear and other damage which would otherwise occur.

Ware describes some of the drawbacks associated with prior art grounding devices as including the production of loud and disagreeable noise, as well as rapid wear of the devices due to constant contact with the road during the movement of the vehicle. Ware, therefore, asserts that his device, comprising a wheel secured to a truck, and a resilient conducting tire on the wheel, while in constant contact with the road during movement of the vehicle, nevertheless provides quiet, dependable and long wearing grounding of the vehicle. The conductor element disclosed by Ware comprises a resilient conducting tire which may roll along road surfaces in various manners, with little or no sound, while the metal screening elements of the tire maintain the grounding device in electrical contact with the ground at all times (page 3, column 1, lines 52-58).

In contrast to the device of the present invention, the Ware device is adapted to run along

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the road in trailing relation to the truck and mounted in such a manner that it may caster in response to changes in direction and movement of the truck (page 1, column 1, line 55 – column 2, line 4). In order to maintain the conducting wheel in road contact during movement of the vehicle, a spring is provided for adjusting the engagement with the road surface, and road conditions change.

Although Ware describes the conducting means as a resilient conducting tire, the effective life span of such an object is limited by the damage caused by the constant, and in some cases, high speed contact with the ground. The effective life span of the conducting means of the present invention will be considerably longer than the device disclosed by Ware since the conducting means of the present invention is in a stowed or retracted position, i.e. distanced from the ground, when the vehicle is moving. Moreover, since the vehicle is at rest when in a deployed positioned, negligible damage, if any, is caused to the conducting means of the present invention by the ground surface.

The Examiner compares the actuation means of the present invention to Ware's arm (10), which secures the conducting means to the truck. As described in Ware (page 2, column 1, lines 12-31 and page 3, column 2, lines 62-75), the arm comprises parallel outer and inner members that are slidably set in place by tubular ferrules that are secured in openings in the arm. The arm is foldable and longitudinally extendable for the purpose of adapting the device for use on trucks varying in height and type.

Ware's arm is not comparable to the actuating means of the present invention. Whereas the actuating means of the present invention allows the conducting element to be selectively and reversibly switched between deployed and retracted positions, Ware's arm is meant to be extendable and foldable to varying configurations for allowing the conducting element to be maintained in a deployed position in trucks of differing heights and/or types.

In addition, Ware's spring, which maintains the conducting wheel in road contact during movement of the vehicle, is functionally dissimilar and wholly unrelated to the wire (370) shown in Figure 8 to the present invention. As described herein above, Ware's spring is provided for

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adjusting the engagement of the wheel with the road surface as road conditions change. In contrast, the wire of the present invention is a conducting means that is provided between the chassis and the electrically conducting element. The wire is only an optional feature and is not associated with the contact of the conductor to the road.

Claim 43 recites, *inter alia*, a method for discharging static electricity from a vehicle. The method includes providing a selectively retractable and deployable electrical conductor in electrical contact with the vehicle body. When it is desired to provide a ground path for the vehicle, the conductor may be deployed to contact the ground. When it is desired to stop such contact, the conductor may be retracted.

As described herein above, Ware's device is not selectively retractable and deployable. Instead, Ware's device is adapted to be maintained in a deployed position, such that the conducting wheel is in road contact during movement of the vehicle. The only description mentioned by Ware of retracting the device relates to disconnecting the springs and removing the pins from the ferrule in order to fold the device into a compact unit. (Page 3, column 2, lines 62-69). Performing such operations more appropriately describes the disassembling of a device, rather than the selectively retraction of a device as claimed.

In light of the foregoing, Applicant submits that claims 1 and 43 are patentable over Ware. Accordingly, Applicant requests reconsideration and withdrawal of the section 102(b) rejections based on Ware.

### 35 U.S.C. § 103 Rejections

Claims 23 and 34-35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ware in view of U.S. Patent No. 3,148,833 to Wilson et al. ("Wilson"). Applicant respectfully submits that this rejection should be withdrawn for the following reasons.

The Examiner maintains that since the powered actuation means, as disclosed by Wilson facilitates more operational convenience, control and speed, it would have been obvious to modify Ware's system to include such means.

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According to the Examiner, Ware's actuation means comprises the extendible arm that secures the conducting tire to the truck. However, in contrast to the actuating means of the present invention, which is adapted for selectively and reversibly moving the conductor element between a deployed position and a retracted position, Ware's arm is meant to be extendible and foldable to vary configurations for allowing the conducting element to be maintained in a deployed position on trucks of differing heights and/or types.

Although modifying Ware's arm to be powered by pneumatic, electrical, or hydraulic power means might allow a user to more conveniently adjust the conducting element according to the vehicle to which it is secured, the conducting element will then be maintained in a deployed position. In a deployed position, operational convenience, control and speed of actuating means is not only unnecessary, including means for providing such abilities would add undesirable costs to the manufacture of the device.

Applicant asserts that a person skilled in the art would not consider modifying Ware's device with the power means disclosed by Wilson. However, even if one were to apply such modifications, the modified device would still differ in construction from the present invention as defined in Claim 1. As claims 23 and 34-35 depend from and include all of the elements of claim 1, Applicant submits that these claims are patentable over Ware in view of Wilson at least for the same reasons.

#### Allowable Subject Matter

Applicant acknowledges with appreciation the indication that claims 24-33, 41, 42, and 44 would be allowable if rewritten in independent form. In this Response, these claims have been rewritten as required by the Examiner. Accordingly, Applicant submits that claims 24-33, 41, 42, and 44 are in condition for allowance.

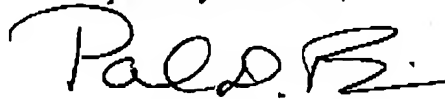
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### Conclusion

In light of the foregoing remarks, this application is now in condition for allowance and early passage of this case to issue is respectfully requested. If any questions remain regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

A fee of \$100 under 37 CFR 1.16(h) is believed to be due and a Fee Transmittal Sheet with payment by credit card is submitted concurrently herewith. However, please charge any required fee (or credit any overpayments of fees) to the Deposit Account of the undersigned, Account No. 500601 (Docket no. 7640-X03-013).

Respectfully submitted,



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